AN ACCOUNT

OF

Mr PRYNS REFUTATION

OF THE

Vniversity of *Oxfords* Plea.

Sent to a Friend in a second Letter from OXFORD.

Printed in the yeare, 1648.

UMI

An Account of Mr. *Prins* Refutation of the Vniverſity of *Oxfords* Plea.

SIR,

IN your laſt you ſeeme to wonder at, and accuſe our ſilence, in that neither I, who am more particularly concern'd, nor any one elſe amongſt us hath all this while anſwered thoſe Papers of Mr. *Prin's*, which he hath ſet forth againſt my *Letter* of the *Privileges of the Univerſity*, ſo that we may be thought, either hitherto unjuſtly to have claimed thoſe *Privileges*, or at leaſt by not vindicating them, to be guilty of the neglect of them our ſelves, and ſo to lye under the ſame crime, which we charge upon others. True it is, Sir, ſome there are, that may interpret it as an *Argument* of the badneſs of our *Cauſe*, (which our friends, perhaps, will impute to the *negligence* of our *Patrones*) Such eſpecially, who being pre-poſſeſt with paſſions and intereſts, eaſily ſuffer the balance of their judgments to be weighed down with Mr. *Prin's Anſwers*, which though of themſelves very light, and of no weight, yet having the advantage of mens particular hopes and fears added to

them, may turn the ſcales. Yet, I ſhall ſhew you that we neither want a good Cauſe, nor are wanting to it, where there is any conſiderable oppoſition made againſt it. And to this purpoſe for your and others ſatisfaction, I ſhal give you a brief account (not troubling my ſelf to ſet down, or you, to apply *Anſwers* to his ſeveral pretenſions (as being unwilling to engage my ſelf in an unneceſſary ſervice) I ſay it ſhal be my task to give you the reaſons) why we anſwer'd him not. And when I have done this, I make no queſtion, but 'twill be thought ſufficiently *anſwered*, even by our not *anſwering* of him, and our ſilence will ſeem the beſt *Confutation*.

Theſe *reaſons*, that you may have the leſſe trouble, may be reduced to two Heads, The one taken from *his particular performance in this his Anſwer*: The ſecond from the *general reputation this man hath among us*.

For the firſt, the *particularity of his performance* in this his anſwer, I ſhal be able, I think, to contrive all that is neceſſary to be ſaid into few words.

1. That the whole *ſupellex* of matter out of Books and Records which he there makes uſe of, came to his hands from the invaded ſequeſtred papers of my *Lord of Canterbury*, and are, with ſome others of *Lord Cott.* &c. the greateſt part of the ſubſtance on which he hath lived, and wrote books without number for theſe ſix or ſeven years. 2. That theſe are but the notes of his *Lordſhips Counſel*, and the ſtory of the paſſages of that debate at *Hampton-court* about the *Archiepiſcopal* power of *Viſiting* the *Univerſities*. Wherein 'tis acknowledged, that the *King*, as things were then repreſented, did judge on the *Arch-Biſhops* ſide. And though I might ſay to that matter, 1. That the opinions of learned men did not all agree that

that the *Arch-Bishops* pretensions were true, til the *King*, who was acknowledged to have power to endulge or restore that *privilege* to him, was pleased to judge on his side, and so to instate him in the power: And 2. That the *University* of *Cambridge* is affirm'd to have been resolv'd to traverse that plea, and try it again, before they would submit to that *Visitation*: And 3. That even *Oxford* it self, which was so much obliged to that *Arch-Bishop*, did plead against it, and conceiv'd it an invasion of their *Privileges*, yet shall I not have the least need to look this way, in rendring the reason why we did not think fit to answer Mr. *Prin*; but onely observe from hence, that what Mr. *Prin* hath brought, being all gathered together on that one designe to make good the *Arch-Bishops Visitation*, cannot be imagined to give a ful impartial view of the whole matter, the *Kings* right of *Visiting* (which is now our whole matter of enquiry) being not so much as questioned, or debated in those notes from whence all M. *Prins* stock is borrowed.

In the third place, I am willing to passe over M. *Prins* mistakes in making use of these notes; yet can hardly choose but give you a taste, by mentioning one of them, as *Pag.* 36. where instead of the *Arch-Bishops Visiting jure ecclesiæ suæ Metropoliticæ, & non per potestatem legatinam* he reads in perfect current *non-sence*, *& non per potestatem legitimam*, wherein if a man should take his word, he must be bound to confesse, that what the *Arch-Bishop* doth in this or the like Visitation, is not by any *legal* or *legitimate power*, which to have done, shal at another time, perhaps, when it wil serve M. *Prins* turn, be an invasion of the fundamental laws and liberties of the Subject in the *Arch-Bishop*. A mistake about the pitch of

that which I have heard mention'd of him in his *Romes Maſter-piece*, where he renders theſe words [*Fudicavimus actutum favorabile ſeſe interpoſuiſſe numen*] [*We judged that a ſafe and favourable deity had interpoſed it ſelfe*] as if *actutum* were cut aſunder into *ac* and *tutum*, and the *copula ac* conſtrued, as if it were after, not before *tutum*. And another of the ſame mould was long ſince his tranſlation of *voluntas Dei beneplaciti* in the *Lambeth Articles*, *by the will of the well-pleaſed God*, or ſomewhat, I remember, to that purpoſe.

In the fourth place, I ſhall not need diſpute the truth of any or all his allegations, but from all together deduce this ſtate of the buſineſſe between us: That to the right of *Viſiting the Univerſity*, Foure pretenders there have been at ſeverall times. 1. The *Biſhop* of the *Dioceſſe*. 2. The *Arch-Biſhop* of the *Province*. 3. The *Pope* and his *Legats*. 4. The *King*, and thoſe which were enabled thereto by *Commiſſion* from him. The *Biſhops* rights and claims are long ſince laid down, all that looks that way, being ſo many yeats paſt, as the times whilſt this place was in the Dioceſe of the *Biſhop* of *Lincolne*, and 'tis a ſtrange argument by which Maſter *Prin* concludes the contrary, *viz.* [*That his juriſdiction continued till the* 12. *yeare of King Charles*] becauſe, ſaith he, in the *Kings Decree* at *Hampton-court*, there were theſe words, [*Declaramus quod univerſitates prædictæ per Epiſcopos & Archidiaconos in poſterum non viſitentur*, p. 40.] as if the writing *in poſterum* in great letters, were ſufficient to conclude that 'twas ſo till that time: Whereas 'tis cleare by the Decree, p. 38. that that was a caution put in, in juſt care of the Univerſity, that this ſentence, or declaration of the *Archbiſhops right*, ſhould not *in futuro extendi ad*

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Episcopos, &c. and so farther prejudice the *University*. Then for the *Popes* and his *Legats* that never was acknowledged since the abrogation of all forrein jurisdiction here in the Reign of *Hen.*8, and is clearly excluded by severall *Statutes* of the Land. As for the *Arch-bishops Rights* they have been urged, and pleaded, and opposed, and yet perhaps prevailed sometimes against the pretensions of the *Universities* exemption. And because I will not speak of anything that may bear a Controversie, I will not examine the truth of that, whether the *Arch-bishop* had that power or no, which he appears by some *Records* somtimes to have exercised; but being content for once to take all for granted which can possibly bear a dispute, I shall only adde that it is also clear, 1. That *Arch-bishop Arundells visitation* (which is the main pregnant Testimony in that matter) was part of his [a] *Provinciall visitation*, taken in as any other Parish in the Province. 2. And by consequence that it was an *Ecclesiasticall visitation*, and such as the *Bishops* of the *Diocesse* had also before the *University* was exempted from them, and this will appear by the mentions of [b] *Canonica instituta, & obedientia*, by the expresse mention of *jure suo metropolitico*, and *in formâ juris Ecclesiastici*, by which his visitation was performed; and if against this it be objected that it extended to the visiting the *University*, *as an University*, yet all that can be argued from thence is only this, that the *Ecclesiasticall* power was then farther *extended*, then it hath been since the *restraints* (as partly appears by this, that till *Henry* the eights time the *Founders* being *Lay-men* did generally appoint *Bishops* to be the *Visitors* of their *Colledges*) not that it was a *civill* jurisdiction, and so this belongs not, nor can with any colour

a *Cancellario Universitatis Cantabrig: Eliensis Diœcesis, nostræ Provinciæ Cant.* p. 14. *Nos in progressu visitationis nostræ Metropol: in dictâ Diœcesi exercendâ vos & dictam Univers: &c.* ib: *Custodi Coll: Trin: Cant: Eliensis Diœcesis.* p. 17.

b *Facturi & recepturi quod Canonicis convenit institutis*, p. 17. *& obedientiam recepit Canon:* Ib:. *receptâ obedientiâ Canonicâ & singulis, &c. quæ in visitationibus ejusmodi de jure fuerint requisita.* p. 20.

lour be applied to the *Visitation* now spoken of, which hath by the *Commission* power to *hear and determine of breaches against the Laws of the Land, &c.* and so is perfectly *civill*.

4. That whatsoever jurisdiction or power of visiting was, or is in the *Arch-bishop* of *Canterbury*, doth in time of *vacancy* reside in the *King*, and consequently, that since Mr. *Pryn* and his friends have been so successful in their endevours, as to leave that Chair *void* so long, 'tis not imaginable that any such power, pretended to belong to the *Arch-bishop*, should be any where now but in the *King*. And so stil all this refutation of our Plea apparently belongs nothing to it, because supposing all to be true that is here pretended (of the *Arch-bishops* power, when there was an *Arch-bishop*) yet when *Episcopacy* it self is by him that *refutes* us, acknowledg'd to be taken away, and to us, that acknowledge not that, yet 'tis visible that there is no *Arch-bishop* of *Canterbury* living, nor pretence of *Commission* from him, but on the other side that all his power in the *vacancy* is divolv'd to the King, 'tis then about the pitch of one of Mr. *Pryn's* arguments, *i. e.* little lesse then fury to pretend against the *Kings* sole Visitation (at this time asserted by the *University*) only from this proof, that there was once in the *Arch-bishop* some kind of right of some kind of Visitation.

The three former pretensions being thus plainly superseded, the *Bishops and the Popes in integrum*, and confestly, and the *Arch-bishops* so also at this time, when there is no *Arch-bishop* of this Province, nor divolution of his power, in this matter, to any but the *King*, It follows 1. that the 3 first things which Mr. *Pryn* undertakes

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to prove, [1. *That the Univerſity was anciently under the Juriſdiction of the Biſhop of* Lincoln *as Diœceſan*, 2. *That it was till this Parliament under the juriſdiction and viſitation of the Arch-biſhop of* Canterbury *as Metropolitan*. 3. *That the Pope by his Legate hath viſited both the Univerſities*] are directly and viſibly faln to nothing; and for the 4 thing, That *there be particular Viſitors of Colleges appointed by the Founders to whom the viſitation of thoſe belongs, and not to the King only*, that is as little to this purpoſe (unleſſe it be to prove that they may not in that other reſpect ſubmit to this *viſitation*) The debate or queſtion being only of the *Univerſity*, which is a ſeveral Corporation and Foundation diſtinct from the *ſeveral Colleges*: and ſo likewiſe for the 5, [*That the Univerſities exemptions were procured from Popes, and not from Kings of England*] That, if it were granted, is as of little force to conclude againſt us, becauſe the *exemptions* which he means were only exemptions from the *Arch-biſhops Metropolitical viſitation*, from which if we pretended no *exemption* at all, yet were we in as good an eſtate as we would wiſh for our preſent plea, becauſe now in the vacancy that *Archiepiſcopal* is ſwallowed up in the *King*, and when it was in the *rivulet*, was yet alwaies (ſince the Reformation) content to acknowledge this *fountain*.

And then *ſecondly*, it follows as naturally as any thing can, that the *Kings* pretenſion remains the only one imaginable at *this time*; and againſt that, (or for any other at any time but the *Arch-biſhops*) there is no appearance of plea or proof ſo much as offered by Mr. *Pryn*. All which we that ſaw, could not permit our ſelves to be provoked by the ſhallowneſs of that one proof (from

the pretended *Archiepiscopal* power) to embroyl our selves in any farther contention, or to think his *refutation* worth *refuting*, any more then (we are told) the Committee themselves would hearken to it, when he offer'd that to their ears which here he hath done to our other sense. Nor should I now have said thus much to it, did I not *submit* to your *judgment* (who demand it of me) blindly, and to the *denying* of my own.

Now for the second, *the generall reputation this man hath among us*. If we behold him (not as a *man*, or as one degraded by this *University*, but) as a Writer, and view him as he is drawn out by himself in his *Books*, we look upon him as one from the beginning very confident and ready to undertake and manage any Cause in any faculty, and to maintain it by what Arguments he pleaseth, having a strange dexterity wherein he goes beyond all the Artificers of the age, to prove his *conclusion* by *medium's* most directly contrary to it, and to disguise his greatest enemies into as fair a set of correspondents and friends, as he hath any; to deal with *Objections* as ill habits of body do with *Physick*, turn all into the nourishment of the prevalent humour. Such Topicks he used, when from my *Lord of Canterburies Diary*, he resolved to conclude his reproach and infamy, and gather thence a sufficient matter for a Charge to invade his *reputation*, if not his *life*; Whereas, in all the important and considerable parts of that, it breaths out nothing but a most sweet favour to all that read it, so far that an *Independent* long since challeng'd Mr. *Peyn* to shew any *Presbyterian* alive comparable to that image there naturally drawn of that *Prelate*; so hath he converted *honey* into *poyson*, and hath sought to blast, at least to taint *this garden of spices*

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with that *venome* he ſucket thence, and that *poyſon* which was his own *foam* he drops upon the flowers, and would have the Reader believe 'twas bred there. I ſhal trouble you with but one *inſtance* more (in ſtead of as many in the *Bullion* as he hath written Volumes, or in the *coyn* almoſt as there be *leaves* in thoſe *volumes*) & that is out of a *Book* of his, entitled, ROMES MASTER-PIECE. And becauſe the reputation of thoſe, who ought to be moſt pretious to us, is ſo much concern'd in it, I will give it you a little at large. The ſubject of that *Book* is ſome *Letters* ſent by Sir *William Boſwell's* care to the *Archb: of Canterb:* wherein he tels him of a deep Plot to bring in Popery into this *Kingdom*, and mentions the principall Agitators of it; *Senior Con* the *Popes Legate*, and divers others, what waies they went to bring about their deſigne, and as matters grew on, what reſolutions they had taken up. And in brief he that ſhal read the *Letters* with his own eyes, and not through Maſter *Pryn's* ſpectacles, and, laying aſide his *Comment*, look impartially on the *Text*, will clearly diſcern theſe two ſpeciall truths there, 1. That the *Papiſts* were fully ſatisfied that there was no working upon the *King* to gain His Conſent, and therefore reſolv'd that He ſhould be taken out of the way, preſuming that they might then, through the better affections of the *Queen*, and the tender age of the young *Prince*, with more eaſe compaſſe their purpoſe. 2. That the *Arch-biſhop* was to be dealt with in the ſame manner, being ſo obſtinate in his way, that *Senior Con* could never in all his time get liberty of any acceſſe to him, or once to enter any *Diſcourſe* with him, (which particular is moſt notoriouſly known to be true by all that knew either the *Court* or *Lambeth* at that time.) Theſe two

things I ſay (of the *Kings* impregnable reſolution to keep to the *Proteſtant Religion*, and my *Lord of Canterbury's* obſtinacy in the ſame ſo far as never to admit any *Diſcourſe* with *Con*) being every where viſible in thoſe Letters, and the foundation on which the bloudy deſignes concerning them were built. Yet hath it been in Maſter *Pryn's* power by one ſlight of hand to conclude the direct contrary to both theſe in the midſt of the whole ſtory that affirms them. For being to tranſlate theſe words of one *Letter* [*Subolfecit interim Cunæus ab Domino Archiepiſcopo regi fideliſſimo totum animum regium eſſe pendulum, &c.*] he makes a *comma* after *fideliſſimo*, and then renders them after this manner. *In the mean time Cunæus* (i.e. *Con*) *ſmelling from the Arch-biſhop moſt truſty to the King, that the Kings mind was wholly pendulous* (or *doubtfull*) *&c.* and in the Margine inſerts his concluſion from thence, that *the Arch-biſhop and he had ſome familiarity and acquaintance at firſt*, and leaves the Reader to learn from his Tranſlation, that the *Kings* mind was wavering and *pendulous*, and (as he puts in) [*doubtfull*] that is ſure in matters of *Religion*. Whereas the moſt clear undoubted rendring of the words is only this, that *Con diſcern'd that the Kings mind depended wholly upon the Arch-biſhop*, which be it true or falſe (all that is ſaid is, that *Con's* ſagacity had found it out) hath nothing in the earth to either of thoſe ſenſes. This particular you may think hath little to do with the buſineſſe we have now in hand about the *Oxford priviledges*, and I confeſſe it hath not, but yet very much to that which I have undertaken to prove, that the *reputation of his writings* hath been ſuch, that it might excuſe any man from the pains of anſwering him; For certainly had it not been reſolved

resolved (ever since Master *Noy* promised to give *John Taylor's* Works to bear Master *Pryn's* company in *Lincolns Inne Library*) that his Books went for nothing, his proofs for no arguments, his affirmations for no testimonies, such a forgery as this would never have been permitted thus long to have gone undiscovered. This I confesse to be none of my own observing (for truly I have not had so many howrs to spare, as to play any of them away upon Master *Pryn's* works, till this last of his came out, wherein I was obliged to think my self concern'd) but have heard it so punctually mention'd by a *worthy Doctor* in this town, who did observe it, that I am confident it will be found to be a true relation, and that my memory hath not fail'd in this account of it: I love not longer to insist on things that are personall to any man, and therefore shall adde no more, as to this first particular, nor indeed should I have said so much, but that it was the prime plain *reason*, which I discern'd really to move men to think it unfit *to answer* this *Book*, meerly because it was Master *Pryn's*; whom I think no man among us ever vouchsafed to answer since the beginning of his writing against this *Church* or *Monarchy*, but only Mr. *Widowes* a man by the strangeness of his parts fitted as 'twere on purpose to duell with him (as *DonquiZote* with the *wind-mil* which no man else was *Knight errant* enough to *encounter*) about the *bowing at the Name of* JESUS.

Ut non Compositi melius cum Bitho Bacchius.

And now Sir that I may not seem to have design'd any thing but obedience to your commands, or to desire in you, or any other, any thing but strict ordinary ju-

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ſtice, whilſt you paſſe your judgment in this matter, I have thrown down all I had to ſay as rudely and ſlovenly as I could, and by that means deliver'd my ſelf from the danger of incurring you diſpleaſure again for having conſider'd *ſtyle* or *language* in my laſt Letter, which yet had no other ayme then to approve my ſelf,

Sir,

Oxon.
Jan. 20.

Your obedient ſervant,

Baſilius Philomuſus.

The End.

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